

REMARKS UNDER 37 CFR § 1.115

Formal Matters

Claims 40-46 are now pending in this application.

Previous claims 1-39 were canceled and new claims 40-46 were added to more particularly point out and distinctly claim the invention.

The new claims are believed to be fully supported within the originally filed application.

New claim 40 is supported within the original claims of the PCT application including original claims 1-4 and 13.

New claim 41 is supported in the original application on page 7, last line.

New claims 42 and 43 are supported in the original application such as in original claims 1-4.

New claim 44 is supported within the original application such as in original paragraph [0018] and in original claim 3 of the PCT application.

New claims 45 and 46 are supported in the areas of the specification and claims as indicated above for new claims 40-44.

No new matter has been added.

Substitute Specification

The undersigned assumed responsibility for the prosecution of the above-referenced application. Based on the file history it was not entirely clear which application was being utilized. Accordingly, the original PCT application which was originally filed application no. PCT/EP03/09254 was used and amended to create a substitute specification. Any previous substitute specification should be deleted.

New Claims

The previous claims 1-39 have all been canceled. A new set of claims 40-44 has been added to more particularly point and distinctly claim the invention. These new claims are directed to a method of treating cystic fibrosis as per claim 13 of the original PCT application. The various objections and rejections put forth within the final Office Action are believed to have been overcome by the submission of these new claims. Accordingly, the application is now believed to be in condition for allowance and an indication of such is respectfully requested.

Interview Request

In the event that the application is not in condition for allowance or informalities remain the undersigned attorney requests the Examiner to contact the undersigned attorney at the indicated telephone number to arrange for an interview to expedite disposition of this application.

Conclusion

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, order number AERX-134.

Respectfully submitted,

BOZICEVIC, FIELD & FRANCIS LLP



Date: 7 January 2009

By: _____
Karl Bozicevic
Registration No. 28,807

BOZICEVIC, FIELD & FRANCIS LLP
1900 University Avenue, Suite 200
East Palo Alto, California 94303
Telephone: (650) 327-3400
Direct: (650) 833-7735
Facsimile: (650) 327-3231